

1 Lenard E. Schwartz, Trustee
2 2850 South Jones Boulevard, Suite 1
3 Las Vegas, Nevada 89146-5308
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E-FILED ON JANUARY 16, 2008

5
6 **UNITED STATES BANKRUPTCY COURT**
7 **DISTRICT OF NEVADA**

8 In re

9 LISA MARIE CHONG,

10 Debtor.

BK-S-07-16645 LBR
Chapter 7

11 **TRUSTEE'S OPPOSITION TO MOTION**
12 **FOR RELIEF FROM AUTOMATIC STAY**

DATE: February 13, 2008

TIME: 10:00 a.m..

13 Lenard E. Schwartz, Trustee, responds the Motion For Relief From Automatic Stay filed
14 on the grounds that there is (a) no documentation that the loan owed by the Debtors is owned by
15 the movant, and (b) there is no documentation that the original lender had complied with the
16 requirements of the Truth In Lending Act, 15 U.S.C. 1601 et seq. ("TILA") when the loan was
17 originated.

18 Documentation of ownership of the loan by the movant should be required to prove that
19 the movant has standing.

20 Documentation of TILA compliance should be required to prove that the movant has right
21 to foreclose. The penalties for violation of TILA may include (a) retroactively loss the right to
22 charge interest, fees, and costs on the loan, and (b) in cases of refinancing loans, voiding of the
23 lien. These penalties may reduce the debt to where there is equity in the property or may eliminate
24 the alleged lien.

25 DATED: January 16, 2008

26 /s/ Lenard E. Schwartz

27 Lenard E. Schwartz, Trustee
28 2850 South Jones Blvd., Suite 1
Las Vegas NV 89146

LENARD E. SCHWARTZ, TRUSTEE
2850 South Jones Boulevard, Suite 1
Las Vegas, Nevada 89146-5308
Tel: (702) 307-2025 • Fax: (702) 974-0976

** 362 INFORMATION SHEET **

Lisa Marie Chong
DEBTOR

BK-S-07-16645-LBR
BNKR. NO. MOTION NO.

Mortgage Electronic Registration Systems, Inc., Solely as
Nominee for FMF Capital LLC, its successors and/or
assigns
MOVANT

CHAPTER: 7

PROPERTY INVOLVED IN THIS MOTION: 6014 Secret Island Dr, Las Vegas Nevada 89139

NOTICE SERVED ON: DEBTOR(S) _____;
DEBTOR'S(S') COUNSEL _____; TRUSTEE _____

DATE OF SERVICE: _____

MOVING PARTY'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1st: \$211,032.00 (Principal Only)

2nd: \$52,106.11

3rd: _____

4th: _____

Other: _____

Total Encumbrances: \$263,138.11

APPRAISAL or OPINION as to VALUE: \$242,000.00

DEBTOR'S CONTENTIONS:

The EXTENT and PRIORITY of LIENS:

1st: \$ _____

2nd: _____

3rd: _____

4th: _____

Other: _____

Total Encumbrances: \$ _____

APPRAISAL or OPINION as to VALUE: _____

TERMS OF MOVANT'S CONTRACT
WITH THE DEBTOR

Amount of Note: \$211,032.00

Interest Rate: 6.39%

Duration: 30 Years

Payment per Month: \$1,835.51

Date of Default: September 1, 2007

Amount in Arrears: \$8,663.30

Date of Notice of Default (if recorded): _____

SPECIAL CIRCUMSTANCES: Pursuant to the Debtor's
Statement of Intent, the Debtor intends to Surrender the
Real Property.

I hereby certify that an attempt has been made to confer with debtor(s) or
debtor(s)' counsel, that more than two (2) business days have expired,
and that after sincere effort to do so, counsel has been unable to resolve
this matter without court action.

SUBMITTED BY: /s/ Eddie R. Jimenez
525 E. Main Street; P.O. Box 12289
El Cajon, CA 92022-2289
(702) 413-9692
NV Bar #10376

DEBTOR'S OFFER OF "ADEQUATE
PROTECTION"
FOR MOVANT

SPECIAL CIRCUMSTANCES:

Standing and TILA questions

SUBMITTED BY:

Signature: _____

EXHIBIT A